


In the outstanding Office Action, the Examiner indicates that Claims 1-18 are currently pending in the above-identified patent application. In fact, item 2 on page 2 of the 4-page transmittal letter that was filed on August 12, 1999 with the above-identified application cancelled Claims 1-3 and 8-16. Therefore, only Claims 4-7, 17, and 18 are currently pending in the above-identified application.

This response amends Claims 4, 7, 17, and 18 and adds new Claims 19-32. Upon amendment, the above-identified application will have four independent claims (Claims 4, 7, 17, and 18) and 20 total claims (Claims 4-7 and 17-32). When this application was filed, the Applicants paid for four independent claims and up to 20 total claims. Therefore, no fees for excess claims are due.

Support for amending Claims 4, 7, 17, and 18 can be found in, inter alia, the originally filed versions of Claims 4, 7, 17, and 18, respectively. Support for new Claims 19-25 can be found in, inter alia, originally filed Claims 6, 9, 9, 10, 11, 12, and 13, respectively. Support for new Claims 26, 28, and 30-32 can be found in, inter alia, originally filed Claim 14. Support for new Claims 27 and 29 can be found in, inter alia, originally filed Claim 15.

In items 1 and 2 of the outstanding Office Action, the Examiner rejects Claim 4 for being allegedly indefinite. This response amends Claim 4 to overcome this rejection.

In items 3 and 4 of the outstanding Office Action, the Examiner rejects Claims 1-16 in the above-identified application under the doctrine of statutory same-invention-type double patenting in view of Claims 1-12 in the Applicants' U.S. Patent No. 5,947,975. According to the Examiner, Claims 1-16 in the above-identified



application claim the same invention as Claims 1-12 in U.S. Patent No. 5,947,975.

The Examiner's attention is directed to section 804 (subsection II.A on page 800-16) of the July 1998 Manual of Patent Examining Procedure, which discusses the standards for statutory same-invention-type double patenting:

In determining whether a statutory basis for a double-patenting rejection exists, the question is: Is the same invention being claimed twice? 35 U.S.C. 101 prevents two patents from issuing on the same invention. "Same invention" means identical subject matter. (emphasis added)

The second paragraph of subsection II.A (i.e., the second paragraph in the second column on page 800-16) of section 804 of the July 1998 Manual of Patent Examining Procedure then explains what constitutes identical subject matter:

For example, the invention defined by a claim reciting a compound having a "halogen" substituent is not identical to or substantively the same as a claim reciting the same compound except having a "chlorine" substituent in place of the halogen because "halogen" is broader than "chlorine."

The Applicants traverse the rejection set forth in items 3 and 4 of the outstanding Office Action because Claims 4-7 and 17-32 in the above-identified application are not identical to Claims 1-12 in U.S. Patent No. 5,947,975. Specifically, the independent claims in U.S. Patent No. 5,947,975 include limitations that are not found in Claims 4-7 and 17-32 in the above-identified application. For example, the last two lines of independent Claim 1 and


the last two lines of independent Claim 2 in U.S. Patent No. 5,947,975 call for a plurality of hinge portions; and lines 11-12 of independent Claim 4 in U.S. Patent No. 5,947,975 call for two or more hinge portions. By contrast, none of the currently pending claims (i.e., Claims 4-7 and 17-32) in the above-identified application call for a plurality of hinge portions or for two or more hinge portions. Similarly, part (c) of independent Claim 12 in U.S. Patent No. 5,947,975 calls for retainer member, which is an element that is not claimed in any of the currently pending claims (i.e., Claims 4-7 and 17-32) in the above-identified application.

Because independent Claims 1, 2, 4, and 12 in U.S. Patent No. 5,947,975 call for limitations that are not specified in Claims 4-7 and 17-32 in the above-identified application, Claims 4-7 and 17-32 in the above-identified application are not identical to the claims in U.S. Patent No. 5,947,975. Thus, the rejection set forth in items 3 and 4 of the outstanding Office Action should be withdrawn.

The Applicants gratefully acknowledge that Claims 17 and 18 are allowed, according to items 5 and 6 of the outstanding Office Action.

This response corrects an obvious typographical error by amending line 19 on page 11 of the specification to refer to Figure 10, which has a line "F-F," rather than to Figure 9, which has no line "F-F."

In view of the foregoing, favorable reconsideration of the amended application is respectfully requested. It is submitted that the claims of record are in condition for allowance. Allowance of the claims at an early date is solicited.



March 6, 2000

This response amends Claims 4, 7, 17, and 18 and adds new Claims 19-32. The amendments and additions described in the preceding sentence were done to claim the scope of the invention that the Applicants are entitled to claim and were not done to overcome the prior art. The amendments and additions described in the first sentence of this paragraph shall not be considered necessary to overcome the prior art.

The Applicants reserve the right to seek protection for any unclaimed subject matter either subsequently in the prosecution of the present case or in a divisional or continuation application.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to Deposit Account No. 12-0415 and, in particular, if this response is not timely filed, then the Commissioner is authorized to treat this Response as including a petition to extend the time period pursuant to 37 C.F.R 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account No. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C., 20231 on

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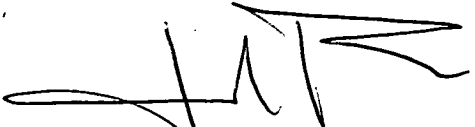
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